

**UNITED STATES
DISTRICT COURT**
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

145454 - SR

**December 12, 2007
15:39:07**

Habeas Corpus

USAO #.: HABEAS 07CV2257

Judge.: IRMA E GONZALEZ

Amount.:

\$5.00 CK

Check#.: STOFCA#052774

Total-> \$5.00

**FROM: THOMAS V. KRAMER
HABEAS**

FILED

07 DEC -7 PM 12:29

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

[Signature]

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ERIC ANGEL THOMAS,

Petitioner,

v.

M. C. KRAMER, Warden, et al.,

Respondents.

Civil No. 07cv2257-IEG (BLM)

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Petitioner, a state prisoner proceeding pro se, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, but has failed to pay the \$5.00 filing fee and has failed to move to proceed in forma pauperis. Because this Court cannot proceed until Petitioner has either paid the \$5.00 filing fee or qualified to proceed in forma pauperis, the Court **DISMISSES** the case without prejudice. See Rule 3(a), 28 U.S.C. foll. § 2254. If Petitioner wishes to proceed with this case, he must submit, **no later than February 4, 2008**, a copy of this Order with the \$5.00 fee or with adequate proof of his inability to pay the fee. The Clerk of Court shall send a blank Southern District of California In Forma Pauperis Application to Petitioner along with a copy of this Order.

IT IS SO ORDERED.

DATED: 12/12/07

[Signature]
Irma E. Gonzalez, Chief Judge
United States District Court

CC: ALL PARTIES